

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 891
FINAL READING

Introduced by Executive Board: Coordsen, 32, Chairperson

Read first time January 5, 2000

Committee: Placed on General File

A BILL

1 FOR AN ACT relating to natural resources; to amend sections 2-3228
2 and 2-3235, Revised Statutes Supplement, 1999; to
3 harmonize provisions with Laws 1999, LB 436; and to
4 repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3228, Revised Statutes Supplement,
2 1999, is amended to read:

3 2-3228. (1) Each district shall have the power and
4 authority to:

5 (a) Receive and accept donations, gifts, grants,
6 bequests, appropriations, or other contributions in money,
7 services, materials, or otherwise from the United States or any of
8 its agencies, from the state or any of its agencies or political
9 subdivisions, or from any person as defined in section 49-801 and
10 use or expend all such contributions in carrying on its operations;

11 (b) Establish advisory groups by appointing persons
12 within the district, pay necessary and proper expenses of such
13 groups as the board shall determine, and dissolve such groups;

14 (c) Employ such persons as are necessary to carry out its
15 authorized purposes and, in addition to other compensation
16 provided, establish and fund a pension plan designed and intended
17 for the benefit of all permanent full-time employees of the
18 district. Any recognized method of funding a pension plan may be
19 employed. Employee contributions shall be required to fund at
20 least fifty percent of the benefits, and past service benefits may
21 be included. The district shall pay all costs of any such past
22 service benefits, which may be retroactive to July 1, 1972, and the
23 plan may be integrated with old age and survivors' insurance,
24 generally known as social security. A uniform pension plan,
25 including the method for jointly funding such plan, shall be
26 established for all districts in the state. A district may elect
27 not to participate in such a plan but shall not establish an
28 independent plan;

1 (d) Purchase liability, property damage, workers'
2 compensation, and other types of insurance as in the judgment of
3 the board are necessary to protect the assets of the district;

4 (e) Borrow money to carry out ~~sections 2-3201 to 2-3257~~
5 ~~and 2-32,109 to 2-32,114~~ its authorized purposes;

6 (f) Adopt and promulgate rules and regulations to carry
7 out ~~the~~ its authorized purposes; and ~~of such sections; and~~

8 (g) Invite the local governing body of any municipality
9 or county to designate a representative to advise and counsel with
10 the board on programs and policies that may affect the property,
11 water supply, or other interests of such municipality or county.

12 (2)(a) Beginning December 31, 1998, and each December 31
13 thereafter, the Nebraska Association of Resources Districts as
14 organized under the Interlocal Cooperation Act shall file with the
15 Public Employees Retirement Board an annual report on each
16 retirement plan established pursuant to this section and section
17 401(a) of the Internal Revenue Code and shall submit copies of such
18 report to the members of the Nebraska Retirement Systems Committee
19 of the Legislature. The annual report shall be in a form
20 prescribed by the Public Employees Retirement Board and shall
21 contain the following information for each such retirement plan:

22 (i) The number of persons participating in the retirement
23 plan;

24 (ii) The contribution rates of participants in the plan;

25 (iii) Plan assets and liabilities;

26 (iv) The names and positions of persons administering the
27 plan;

28 (v) The names and positions of persons investing plan

1 assets;

2 (vi) The form and nature of investments;

3 (vii) For each defined contribution plan, a full
4 description of investment policies and options available to plan
5 participants; and

6 (viii) For each defined benefit plan, the levels of
7 benefits of participants in the plan, the number of members who are
8 eligible for a benefit, and the total present value of such
9 members' benefits, as well as the funding sources which will pay
10 for such benefits.

11 If a plan contains no current active participants, the
12 association may file in place of such report a statement with the
13 Public Employees Retirement Board indicating the number of retirees
14 still drawing benefits, and the sources and amount of funding for
15 such benefits.

16 (b) Beginning December 31, 1998, and every four years
17 thereafter, if such retirement plan is a defined benefit plan, the
18 association shall cause to be prepared a quadrennial report and
19 shall file the same with the Public Employees Retirement Board and
20 submit to the members of the Nebraska Retirement Systems Committee
21 of the Legislature a copy of such report. The report shall consist
22 of a full actuarial analysis of each such retirement plan
23 established pursuant to this section. The analysis shall be
24 prepared by an independent private organization or public entity
25 employing actuaries who are members in good standing of the
26 American Academy of Actuaries, and which organization or entity has
27 demonstrated expertise to perform this type of analysis and is
28 unrelated to any organization offering investment advice or which

1 provides investment management services to the retirement plan.

2 Sec. 2. Section 2-3235, Revised Statutes Supplement,
3 1999, is amended to read:

4 2-3235. (1) Each district shall have the power and
5 authority to cooperate with or to enter into agreements with and,
6 within the limits of appropriations available, to furnish financial
7 or other aid to any cooperator, any agency, governmental or
8 otherwise, or any owner or occupier of lands within the district
9 for the carrying out of projects for benefit of the district as
10 authorized by law, subject to such conditions as the board may deem
11 necessary. ~~to advance the purposes of sections 2-3201 to 2-3257~~
12 ~~and 2-32,109 to 2-32,114.~~

13 (2) As a condition to the extending of any benefits ~~under~~
14 ~~such sections~~ to or the performance of work upon any lands not
15 owned or controlled by this state or any of its agencies, the
16 directors may require contributions in money, services, materials,
17 or otherwise to any operations conferring such benefits and may
18 require landowners to enter into and perform such agreements or
19 covenants as to the permanent use of such lands as will tend to
20 prevent or control erosion thereon.

21 (3) Each district may make available, on such terms as it
22 shall prescribe, to landowners within the district specialized
23 equipment, materials, and services which are not readily available
24 from other sources and which will assist such landowners to carry
25 on operations upon their lands for the conservation of soil and
26 water resources and for the prevention and control of soil erosion.
27 Whenever reasonably possible, purchases or contracts for such
28 equipment shall be made from retail establishments.

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1 Sec. 3. Original sections 2-3228 and 2-3235, Revised
2 Statutes Supplement, 1999, are repealed.